S.B. CIVIL MISC. APPEAL NO.413/2007
(Hari Singh & anr. Vs. Mahender Singh & ors.)

Date of Order :: 22nd February 2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Sandeep Saruparia for the appellants

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For awarding compensation to the parents of the vehicular accident victim Jogendra Singh, about 15-17 years of age, the Tribunal has taken his notional income at Rs.15,000/- per annum; and after deducting one-third on his personal expenditure and with application of multiplier of 15 in view of the age of the parents at 44 and 48 years respectively has assessed pecuniary loss at Rs. 1,50,000/-; and allowing Rs. 10,000/- towards loss of services of the deceased, Rs. 1,000/- towards transportation and Rs. 2,000/- towards funeral expenses has made the award in the sum of Rs.1,63,000/- together with interest at the rate of 7.5 per cent per annum. The claimants seek enhancement by way of this appeal.

The claimants suggested before the Tribunal that the deceased was studying in 11th standard and was earning about Rs.3,000/- per month while working at a shop of his brother Jai Singh. However, the Tribunal has not accepted such assertion of income of the deceased for want of cogent corroborative evidence.

In view of the age of the deceased and the claimants, the considerations adopted by the Tribunal do not appear to be suffering from any error of law or facts; and the ultimate amount awarded cannot be said to be too low or grossly inadequate than that of just compensation admissible in the fact situation of this case. There appears no scope for interference in appeal at the instance of the parents of the deceased.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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